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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,256	07/03/2003	Scott Harrison	HRSN001-US0	6000

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EXAMINER

PAYNE, SHARON E

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,256

Applicant(s)

HARRISON, SCOTT

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20, 16, 17 and 19 rejected under 35 U.S.C. 102(b) as being anticipated by Megson (UK Patent Specification 1,541,737). (Claims 16, 17 and 19 depend on claim 20; therefore, claim 20 will be treated first.)

Regarding claim 20, Megson discloses an illumination assembly to provide illumination emanating from and about the periphery of the dartboard (Fig. 1) wherein the illumination is so arranged about the periphery as to provide substantially symmetrical illumination of a surface of a dartboard (Fig. 1) and a protective structure to provide protection from physical impact to a source of the illumination (Fig. 3), wherein at least a portion of the protective structure is translucent (column 1, lines 25-31, reference number 15). (The illumination in Megson is arranged symmetrically around a vertical line going through the diameter of the target portion of the dartboard; each side has the whole vertical light source and half of the horizontal light source.)

Concerning claim 16, Megson discloses the illumination being provided from a plurality of discrete sources distributed around the periphery of the dartboard (Fig. 1).

Regarding claim 17, Megson discloses the protective surface being removably attachable to a dartboard apparatus (page 2, lines 21-25).

Concerning claim 19, Megson a portion of the protective surface filters illumination emanating directly from a source to a player in front of the dartboard (Fig. 8). (Fascia board is opaque, which means that all of the light is being filtered out.)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Megson in view of Libert (U.S. Patent 3,802,708).

Regarding claim 18, Megson does not disclose a first and second filter. Libert discloses the protective structure comprising a first portion providing a first filter of illumination (Fig. 1) and a second portion providing a second filter of illumination (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the filters of Libert in the method of Megson to produce segments having two different colors, enhancing the decorative effect.

#### ***Allowable Subject Matter***

5. Claims 2-13, 21 and 22 are allowed.

6. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter.

The prior art fails to disclose an illuminated dartboard having the following features:

- 1) a step of providing a distributed light source that encompasses substantially the entire periphery of the dartboard as recited in claim 21; and
- 2) a distributed light source that encompasses substantially the entire periphery of the dartboard as recited in claims 22 and 15.

### ***Response to Arguments***

8. Applicant's arguments filed 3 February 2005 have been fully considered but they are not persuasive.

Applicant argues that claim 20 is not anticipated by Megson, because the claim was amended to require symmetrical illumination. While Megson does teach away from illuminating the bottom portion of the dartboard, the illumination pattern of Megson can be divided evenly down the middle of the apparatus as explained in the rejection of claim 20. Thus, the illumination is symmetrical, and the rejection over Megson is upheld.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., illumination of the board surface from the viewpoint of the user arising from reflection of light from the opaque dartboard) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, even if the Applicant were to write the claim to include this feature, this feature is shown in Megson (page 2 in lines 1-6, Fig. 8).

The argument concerning claim 5 is rendered moot due to the indication of allowable subject matter above.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



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